



House of Representatives

General Assembly

File No. 371

February Session, 2006

Substitute House Joint Resolution No. 88

House of Representatives, April 4, 2006

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute resolution ought to be adopted.

RESOLUTION REJECTING THE RECOMMENDATION OF THE CLAIMS COMMISSIONER TO GRANT AN AWARD TO THE ESTATE OF DAVID RYAN KEELEY ON ITS CLAIM AGAINST THE STATE AND AUTHORIZING THE CLAIMANT TO SUE THE STATE.

Resolved by this Assembly:

1 That the recommendation of the Claims Commissioner, file number
2 17744 of said commissioner, that an award of three hundred thousand
3 dollars, be granted to the estate of David Ryan Keeley on its claim
4 against the state in excess of seven thousand five hundred dollars, is
5 rejected and Kenneth E. Keeley, Jr., administrator of the estate of David
6 Ryan Keeley, is authorized to institute and prosecute to final judgment
7 an action against the state to recover damages as compensation for the
8 death of David Ryan Keeley on August 12, 1998. Such action shall be
9 brought not later than one year from the date of the final adoption by
10 the General Assembly of this resolution.

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Children & Families, Dept.	GF - Cost	Potential	Potential
Attorney General	GF - None	None	None
Comptroller - Adjudicated Claims Account	GF - Uncertain	Indeterminate	Indeterminate

Note: GF=General Fund

Municipal Impact: None

Explanation

The resolution rejects the recommendation of the Claims Commissioner that an award in the amount of \$300,000 be granted to the estate of David Ryan Keeley to recover damages in a wrongful death suit against the Department of Children and Families (DCF); instead, the resolution grants the claimant permission to sue.

The DCF would incur costs for miscellaneous legal expenses incurred in the course of litigation. These costs would vary according to the intensity and length of the proceedings involved. However, similar recent cases have resulted in minimal costs. The Office of the Attorney General intends to represent the state in this matter (rather than rely on outside legal counsel) and would be able to handle any workload associated with the case within budgeted resources. The potential impact on the Comptroller's Adjudicated Claim account¹, which would be used to pay for any claim awarded by the court, is uncertain pending the outcome of litigation. It is unknown whether or not any such award by the court or settlement would exceed the \$300,000 award recommended by the Claims Commissioner.

¹ The Adjudicated Claims account is a non-appropriated, General Fund account within the State Comptroller's agency for administrative purposes. Payments from this account would reduce a surplus or increase a deficit in the General Fund.

The Out Years

The impact indicated above would continue until resolution of the case.

OLR Bill Analysis

sHJ 88

RESOLUTION REJECTING THE RECOMMENDATION OF THE CLAIMS COMMISSIONER TO GRANT AN AWARD TO THE ESTATE OF DAVID RYAN KEELEY ON ITS CLAIM AGAINST THE STATE AND AUTHORIZING THE CLAIMANT TO SUE THE STATE.

SUMMARY:

The Office of Legislative Research does not analyze Resolutions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/17/2006)